

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2310

Introduced by Assembly Member Santiago

February 18, 2016

~~An act to amend Section 77003 of the Government Code, relating to courts. An act relating to state employees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2310, as amended, Santiago. ~~Trial court funding. State employees:~~ memorandum of understanding.

Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of a memorandum of understanding entered into between the state employer and State Bargaining Unit 18 that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of the memorandum of understanding approved by the bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for those provisions are not specifically appropriated by the Legislature.

~~Existing law establishes the Trial Court Trust Fund, the proceeds of which are required to be apportioned for authorized purposes, including apportionment to the trial courts to fund trial court operations. Existing law, for the purpose of funding trial court operations, authorizes the Judicial Council to establish bank accounts for the superior courts, into which are deposited all moneys appropriated in the Budget Act and allocated or reallocated to each court by the Judicial Council, moneys held in trust, and other moneys as deemed necessary or appropriate. “Court operations” is defined for these purposes.~~

~~This bill would make technical, nonsubstantive changes to the provision defining court operations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares that the*
2 *purpose of this act is to approve an agreement entered into by the*
3 *state employer and State Bargaining Unit 18 pursuant to Section*
4 *3517.5 of the Government Code.*

5 *SEC. 2. The provisions of the memorandum of understanding*
6 *prepared pursuant to Section 3517.5 of the Government Code and*
7 *entered into by the state employer and State Bargaining Unit 18,*
8 *dated ____, and that require the expenditure of funds, are hereby*
9 *approved for the purposes of subdivision (b) of Section 3517.6 of*
10 *the Government Code.*

11 *SEC. 3. The provisions of the memorandum of understanding*
12 *approved by Section 2 of this act that require the expenditure of*
13 *funds shall not take effect unless funds for these provisions are*
14 *specifically appropriated by the Legislature. If funds for these*
15 *provisions are not specifically appropriated by the Legislature,*
16 *the state employer and the affected employee organization shall*
17 *meet and confer to renegotiate the affected provisions.*

18 *SEC. 4. Notwithstanding Section 3517.6 of the Government*
19 *Code, the provisions of the memorandum of understanding included*
20 *in Section 2 of this act that require the expenditure of funds shall*
21 *become effective even if the provisions of the memorandum of*
22 *understanding are approved by the Legislature in legislation other*
23 *than the annual Budget Act.*

1 ~~SECTION 1. Section 77003 of the Government Code is~~
2 ~~amended to read:~~

3 ~~77003. (a) As used in this chapter, “court operations” means~~
4 ~~all of the following:~~

5 ~~(1) Salaries, benefits, and public agency retirement contributions~~
6 ~~for superior court judges and for subordinate judicial officers.~~

7 ~~(A) For purposes of this paragraph, the term “subordinate~~
8 ~~judicial officers” includes both of the following:~~

9 ~~(i) All commissioner or referee positions created prior to July~~
10 ~~1, 1997, including positions created in the municipal court prior~~
11 ~~to July 1, 1997, which thereafter became positions in the superior~~
12 ~~court as a result of unification of the municipal and superior courts~~
13 ~~in a county, and including those commissioner positions created~~
14 ~~pursuant to former Sections 69904, 70141, 70141.9, 70142.11,~~
15 ~~72607, 73794, 74841.5, and 74908.~~

16 ~~(ii) Any staff who provide direct support to commissioners.~~

17 ~~(B) “Subordinate judicial officers” does not include~~
18 ~~commissioners or staff who provide direct support to the~~
19 ~~commissioners whose positions were created after July 1, 1997,~~
20 ~~unless approved by the Judicial Council, subject to the availability~~
21 ~~of funding.~~

22 ~~(2) The salary, benefits, and public agency retirement~~
23 ~~contributions for other court staff.~~

24 ~~(3) Court security, but only to the extent consistent with court~~
25 ~~responsibilities under Article 8.5 (commencing with Section 69920)~~
26 ~~of Chapter 5.~~

27 ~~(4) Court-appointed counsel in juvenile court dependency~~
28 ~~proceedings and counsel appointed by the court to represent a~~
29 ~~minor pursuant to Chapter 10 (commencing with Section 3150)~~
30 ~~of Part 2 of Division 8 of the Family Code.~~

31 ~~(5) Services and supplies relating to court operations.~~

32 ~~(6) Collective bargaining under Sections 71630 and 71639.3~~
33 ~~with respect to court employees.~~

34 ~~(7) Subject to paragraph (1) of subdivision (d) of Section 77212,~~
35 ~~actual indirect costs for county and city and county general services~~
36 ~~attributable to court operations, but specifically excluding, but not~~
37 ~~limited to, law library operations conducted by a trust pursuant to~~
38 ~~statute, courthouse construction, district attorney services,~~
39 ~~probation services, indigent criminal defense, grand jury expenses~~
40 ~~and operations, and pretrial release services.~~

1 ~~(8) Except as provided in subdivision (b), and subject to Article~~
2 ~~8.5 (commencing with Section 69920) of Chapter 5, other matters~~
3 ~~listed as court operations in Rule 10.810 of the California Rules~~
4 ~~of Court, as it read on January 1, 2007.~~
5 ~~(b) However, “court operations” does not include collection~~
6 ~~enhancements as defined in Rule 10.810 of the California Rules~~
7 ~~of Court, as it read on January 1, 2007.~~